THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 21657 of 2006

Dated: 18-10-2006

Between:

P.Yadagiri Reddy

..... PETITIONER

AND

The Recovery Officer,
Employee's Provident Fund,
Hanamkonda, Warangal and tow others.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 21657 of 2006

O R D E R:

The first respondent herein issued a show cause notice dated 05-10-2006 addressed to the petitioner describing him as Correspondent of M/s. Vyasa Educational Society and informing that he failed to pay the amount of arrears specified in recovery certificates dated 06-04-2001 and 30-04-2002 under the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short 'the Act') for recovery of the arrears and interest payable under the Act and accordingly calling upon him to appear on 16-10-2006 and to show cause why he should not be committed to the civil prison in execution of the recovery certificates. The petitioner states that having received the said notice, he submitted his explanation on 16-10-2006 through his advocate Sri A.Laxman Swamy. However, the first respondent refused to take on record the reply and also refused to hear the counsel. In the circumstances, the petitioner filed his reply in inwards section of the first respondent's office on 16-10-2006 itself. In spite of the same, the first respondent without considering the explanation submitted by the petitioner, passed an order issuing warrant of arrest against the petitioner. Hence, this writ petition.

Having heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents and having regard to the specific plea of the petitioner that he filed his

explanation on 16-10-2006 itself in the inwards section of the first respondent's office, which is evidenced by the acknowledgment issued by the first respondent's office,

I am of the opinion that the first respondent ought to have considered the explanation submitted by the petitioner before passing any order pursuant to the impugned show cause notice dated 05-10-2006.

Accordingly, without expressing any opinion on merits, the writ petition is disposed of with a direction to the first respondent to consider the explanation submitted by the petitioner which was received in its office on 16-10-2006 and to pass appropriate orders following due process of law. Till such time, the warrant of arrest if any issued shall not be executed against the petitioner. No costs.

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G. ROHINI, J

Dated: 18-10-2006

Note: Issue operative portion by wire.

B/o

KLP